

**EXHIBIT 3 – CITED PAGES  
FROM DEPOSITION OF  
FRANCOISE ADAN, M.D.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

- - -

ALISON O'DONNELL,

Plaintiff,

vs.

Case No. 1:16-cv-2450  
Judge Donald E. Nugent

UNIVERSITY HOSPITALS  
HEALTH SYSTEM, et al.,

Defendants.

- - -

DEPOSITION OF FRANCOISE ADAN, M.D.  
Thursday, October 26, 2017

- - -

The deposition of FRANCOISE ADAN, M.D., a witness, called for examination by the Plaintiff under the Federal Rules of Civil Procedure, taken before me, Diane M. Stevenson, a Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public in and for the state of Ohio, pursuant to notice, at Vorys, Sater, Seymour & Pease LLP, 200 Public Square, Suite 1400, Cleveland, Ohio, commencing at 3:00 p.m., the day and date above set forth.

Stevenson Reporting Service, Inc.  
2197 Macon Court Westlake, Ohio 44145  
440.892.8600 diane@nls.net

1 A. "90805," 20 minutes, "25 minutes," sorry.

2 Q. That is just that billing code, correct?

3 A. That is the billing code.

4 Q. And "25 minutes" just suggests that you met  
5 with her for about 25 minutes?

6 A. Yes.

7 Q. Go ahead.

8 A. "Doing okay. Second-year fellowship, endocrine  
9 pediatrics. Working. Able to care for  
03:54 10 patients but getting remarks because not  
11 talking enough during conferences because of  
12 anxiety and vicious circle.

13 "I know the answer, but unable to speak  
14 up."

15 Q. Okay. Let me stop you right there for a  
16 second. All right. So these notes would  
17 indicate things that you and Dr. O'Donnell  
18 discussed during this visit, correct?

19 A. Yes.

03:55 20 Q. So she is talking about, first of all, as you  
21 read, she is stating that she is able to see  
22 patients, able to care for patients, correct?

23 A. Yes.

24 Q. But she is getting remarks about not speaking  
25 up enough during conferences?

1 fellowship program and you are not saying that  
2 they don't know how to train fellows at UH,  
3 right?

4 A. Of course.

5 Q. You are not trying to redo the fellowship  
6 program, you were giving some recommendations  
7 for them to consider?

8 A. Correct.

9 Q. Okay. And I guess let me just ask you: Do you  
10 know anything that happened after your letter?  
11 I mean, did she -- it looks to me as if she  
12 came on May 3, 2012, Exhibit 49, and then she  
13 didn't come in again until 51, 2013.

14 Did I read those right?

15 A. Yes.

16 Q. Okay. Do you, and I am assuming if she would  
17 have called in, if she would have called in and  
18 said, "Hey, I want another appointment" or  
19 "Hey, I am suffering" or "They didn't --" I  
20 mean, I would assume you would have another  
21 note between these seven months?

22 A. Correct.

23 Q. Okay. I guess does it at all surprise you that  
24 you gave the recommendations and then she never  
25 comes back and asks you to follow up or to give

1 any more detail or to respond to any questions,  
2 or anything like that?

3 A. It is -- yeah, I have no idea what happened  
4 between May and January, didn't appear for  
5 follow-up.

6 Q. Well, I guess I would say, like you pointed  
7 out, you said that she was, you know, actively  
8 seeking help for her symptoms. I mean, unless  
9 she went and saw another psychiatrist or  
05:20 10 counselor, and I think that from 2013 we can  
11 see she wasn't, I mean, she really wasn't --

12 A. At least not me.

13 Q. Well, I mean, I guess --

14 A. Oh, yeah, yeah.

15 Q. -- she would have reported to you if she had  
16 seen somebody else in between, right?

17 A. Yes.

18 Q. And she wasn't. At least she didn't report it  
19 to you?

05:20 20 A. At least she didn't report it to me.

21 Q. So I guess I would say, I mean, from the help,  
22 I mean, I know she came to you three times  
23 before that letter, but she didn't follow up at  
24 all, right?

25 A. Correct.

PROGRESS NOTES

1

Matthews, Allison

3/6/12

90805' 25'

Do not

2<sup>nd</sup> year fellowship (Pediatric path)

with

Able to care of 15

But getting remarks because not taking enough  
day off.

because of only 10 hours a week

I know the answer is to take more.

Dennis SI / HI

Shield mud tests

Daily ~~are~~ all

kept

beginning

1/2 - 1 1/2 (Average 1/week)

(A/C)

Start early

Completed 1st 2nd 3

beginning

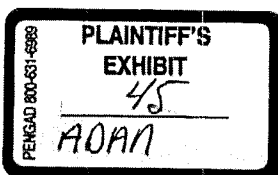
CBT

2000 franchise

with little assets

1/2 year.

*[Signature]*




ADAN000015

PROGRESS NOTES

4/12/12

Allison Matthews  
13700 Shaker Blvd. #210  
Cleveland, OH 44120  
(248)330-7016

Francoise Adan, M.D.  
1000 Auburn Dr. Suite 120  
Beachwood, OH 44122



Dr Adan;

As I mentioned during my last appointment, I have been having some issues with my fellowship program. Specifically, I have found the weekly departmental conference to be very difficult. This is because the conference is very disorganized and everybody tends to speak at once; usually the person with the loudest voice is the one who is listened to. In addition, fellows are expected to fight and argue about patient cases and this is used to assess medical knowledge. I find this conference to be extremely stressful, and my anxiety is at its peak during conference times. Although I often know the answer, I am unable to speak over others. As a result, I am being accused of having insufficient knowledge. I have spoken with the Human Resources department, and they are willing to provide me accommodations which would exempt me from being graded in conference if you certify that my anxiety disorder would make it difficult to perform in that situation. Would you please complete the attached forms? If you have any further questions, please do not hesitate to contact me.

Sincerely,



Allison Matthews



ADAN000017

**UNIVERSITY HOSPITALS  
ADA AUTHORIZATION TO RELEASE MEDICAL INFORMATION  
EVALUATION OF REQUEST FOR REASONABLE ACCOMMODATION**

I hereby authorize, Dr. Francoise Adan, to provide any necessary medical information to my employer, University Hospitals, in order that it may evaluate my request for a reasonable accommodation under the American with Disabilities Act (ADA) and the American with Disabilities Amendments Act (ADAAA). I also authorize and request that Dr. Francoise Adan, complete the University Hospitals Health Care Provider/Physician Certification form in order that University Hospitals can evaluate that request.

Alison Maltz  
Employee Name

4/11/12  
Date

ADAN000018



**Adan, Francoise**

**From:** Matthews, Alison  
**Sent:** Tuesday, May 01, 2012 2:46 PM  
**To:** Adan, Francoise  
**Subject:** certification form  
Dr. Adan,

A few weeks ago, I faxed a health care provider certification form to your office. If you certify my diagnosis I will be able to receive accommodations in my fellowship program that will allow me to be evaluated in other ways than speaking and fighting to be heard in our departmental conferences (which I find extremely anxiety provoking). Have you had a chance to complete the form yet? Mary Wilson, the employee health liaison says that she has not yet received it. If you could forward it to her at your earliest convenience, I would be very grateful. Please let me know if there is anything I can do to be of assistance.

Thank you,  
Allison Matthews

5/1/2012



ADAN000014

## ADA HEALTH CARE PROVIDER/PHYSICIAN CERTIFICATION

Date: 3/22/12

Employee/Patient Name: Alison Matthews

Position Title: Pediatric Endocrinology Fellow

Re: Request for Reasonable Accommodation

Dear Health Care Provider/Physician:

University Hospitals has received a request for reasonable accommodation from our employee and your patient named above. As set forth in the Authorization to Release Medical Information, the employee has authorized you to release to us the necessary medical information that will allow us to evaluate this request.

In order to assist us with our obligations under the American with Disabilities Act (ADA) and the American with Disabilities Amendments Act (ADAAA), we are requesting that you to provide feedback to the following questions based on your medical expertise.

### Initial Information

An employee has a disability if he or she has an impairment that substantially limits one or more major life activities or has a record of such an impairment. **"Substantially limits" under the ADAAA has been broadened to allow** someone with an impairment to be "regarded as" having a disability, even without the perception that the impairment limits a major life activity, provided that the impairment does not have an actual or expected duration less than or equal to six months.

The ADAAA provides examples of **"major life activities,"** including "caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, such as functions of the immune system, normal cell growth and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions."

In general, the following is a brief summary of the essential functions of the position held by the above named employee (including the physical and mental demands of the job.)

- Obtain focused history; perform directed physical examination; formulate and prioritize differential diagnoses based on patient information, current scientific evidence and sound clinical judgment on all patients seen in the out-patient clinics and in-patient consultation service.
- Precept all patients with a member of the attending faculty in a timely manner, discussing clinical findings and incorporating results of all available ancillary investigations.



ADAN000011

- Counsel patients and their families regarding diagnostic and management plans. Communicate clinical impression and results of investigations to patients and their families effectively and at the appropriate developmental/educational level. Be a strong advocate for quality patient care and identify appropriate resources to address patient needs. Take ownership and responsibility for ongoing patient care.
- Maintain accurate, timely, complete and legible medical records.
- Acquire sound foundation of knowledge with adequate scope and depth in the various subspecialty diagnoses, including basic science and clinical endocrinology. Use self-reflection to identify areas of knowledge deficits, utilize available resources and demonstrate initiative in consistent self-directed learning. Demonstrate critical thinking skills in evaluating medical literature.
- Actively participate in all educational sessions of the division, with adequate preparation on assigned topic presentations. Take an active role in educating medical students, residents, nurses and other medical personnel.
- Seek opportunities to strengthen knowledge and skills. Accept feedback appropriately and act on areas identified for improvement.
- Actively seek opportunities and collaborate with members of the faculty on Quality Assessment and Quality Improvement projects.
- Engage in clinical or basic science research project with substantive scholarly exploration, including hypothesis development, execution of the project and preparation of manuscript for presentation and publication.
- Demonstrate compassion and respect for others, sensitivity and responsiveness to others' needs, productive work habits and ability to function effectively with other members of the health care team.
- Act with honesty and integrity, engage in ethical medical practices.
- Develop the knowledge, clinical abilities, interpersonal and communication skills to function effectively in the role of a sub-specialty consultant.
- Works a minimum of 40 hours per week

Please answer the following the questions to help us determine whether the above named employee has a qualifying disability and whether the employee needs a reasonable accommodation in order to perform the essential functions of his/her position.

1. Does the employee have disability that substantially limits one or more major life activities? Yes ☒ No ☐

If yes, describe the disability and any limitation(s) in detail?

SOCIAL PHOBIA  
DIFFICULTIES IN UNKNOWN SOCIAL SITUATIONS

2. Does the employee use any mitigating measures (e.g., medications, assistive technologies, etc.) Yes ☒ No ☐

If yes, how does the mitigating measure affect the disability?

IT'S helping to decrease the symptoms

3. Does the disability affect the employee's ability to perform any one of the essential functions of the position? Yes ☒ No ☐

If yes, please describe the impact on the person's ability to perform any specific essential function(s). PUBLIC SPEAKING AS CASE CONFERENCE, SPECIALLY UN-REHEARSED

4. Are there any restriction(s) and/or accommodation(s) that would allow the employee to perform the essential functions of the position? Yes ☒ No ☐

If yes, please list the restriction(s) and/or accommodation(s). I would

recommend not to evaluate employee performance on case conference, particularly unrehearsed.

5. Is the need for accommodation likely to be temporary or permanent?

Temporary ☐ Permanent ☒ probably decrease the rest of the fellowship.

If temporary, how long do you estimate that the need for the restriction(s) and/or accommodation(s) will last?

  
Signature of Health Care Provider/Physician

Date:

5/3/12

The employee is actively seeking help for her symptoms and is very motivated in her treatment. She has made some progress already.

ADAN000013



UH Connor Integrative Medicine Network

1000 Auburn Drive, Suite 120  
Beachwood, OH 44122  
216 285 4070 Phone  
216 285 4045 Fax

To Whom It May Concern:

I am confirming that Ms. Allison Matthews is under my care and has a diagnosis of generalized anxiety disorder.

If you have any questions or concerns please contact my office at 216-285-4070.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Francoise Adan'.

Francoise Adan, M.D.



ADAN000020